

**CONDITIONS OF APPROVAL – April 21, 2015**

**165 Los Gatos-Saratoga Road**

**Conditional Use Permit Application U-14-025**

**Requesting approval to modify an existing Conditional Use Permit for a restaurant (Hult's) to construct and operate an outdoor dining patio with full liquor service on property zoned C-2. APN 529-04-083.**

**PROPERTY OWNER: Sueanne and Nicholas Gera**

**APPLICANT: Alexander Hult**

**TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:**

*Planning Division*

1. EXPIRATION: Zoning approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
2. RESTAURANT USE: A high quality restaurant.
3. HOURS: Maximum hours of operation for both the restaurant and the patio shall be 9:00 a.m. to 11:00 p.m. Sunday through Thursday; and 9:00 a.m. to 12:00 a.m., Friday and Saturday.
4. SEATS: The maximum number of seats shall not exceed 158 inclusive of indoor and outdoor seating. A maximum of 53 seats are permitted in the outdoor patio.
5. ALCOHOL SERVICE: Full liquor service is permitted with meal service only. A meal is defined as a combination of food items selected from a menu (breakfast, brunch, lunch, or dinner). Appetizers such as popcorn, nachos, pretzels, potato skins, relish trays, etc. (hot or cold) are not meals.
6. DELIVERIES: Deliveries shall be limited to the hours of 7:00 a.m. to 12:00 p.m.
7. LIVE ENTERTAINMENT: Live entertainment is not permitted without a valid entertainment permit.
8. TRASH: All areas directly surrounding the restaurant shall be kept clear of trash. All trash shall be kept in the dumpsters located in the southwest corner of the parking lot.
9. OUTDOOR FURNITURE: Outdoor furniture, including tables, chairs, and heat lamps, shall be secured and properly covered before the close of business each day.
10. PATIO WALL: A masonry wall up to five feet in height shall be installed along the perimeter of the patio. Landscape screening, approved by the Community Development Director, shall be installed between the wall and the sidewalk to soften the wall from the street.
11. LIGHTING: No string lighting is permitted in the outdoor patio.
12. RECYCLED CONTAINERS: Any take-out food shall be served in containers made of recycled materials.
13. REUSABLE CONTAINERS: Pursuant to Town Code all on-site meals shall be served with re-usable dishware and utensils.

14. LAPSE FOR DISCONTINUANCE: If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
15. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

TO THE SATISFACTION OF THE CHIEF OF POLICE:

16. GENERAL: The restaurant is subject to the following:
  - a. Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
  - b. At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department for on-going employee training on alcoholic beverage service to the general public.
  - c. All establishments shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the California Restaurant Association.
  - d. All licensed operators shall have and shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.
  - e. Taxicab telephone numbers shall be posted in a visible location.